

## **Comment #1**

Dear Folks,

I am pleased to have the opportunity to comment on the charge of the AB1109 Task Force: to propose a system which is Effective, Cost-efficient, and Convenient for the Consumer. I have decades of experience in managing local government recycling programs, and we strive to achieve those same goals. I have reviewed the 3 options for lamp recycling posted on your website.

By far my strongest preference is option C, as it lays out the clearest convenience for the public - retail take back - and lays the responsibility for the whole recycling operation squarely on the manufacturer, who is the one behind the distribution of all that encapsulated mercury around the country in the first place.

The shared responsibility of local government in Option C is primarily in public education, which is appropriate. However, C does obligate locally operated HHW collection centers to participate in lamp collection. If this is going to be mandated, the money trail needs to be more explicit. HHW facilities would receive state funding to cover lamp collection, and the state would levy the manufacturers to pay that cost.

Option C needs a little more flexibility in collection options. As long as it is possible to purchase a lamp by mail order, that retailer must also supply a free and convenient take-back option, which could be a mail-back carton.

Option A has a lot of good points, but it is too loose in the possible collection schemes. Curbside collection, generally operated or franchised by local government, needs to be off the table. Commingling with other recycling would run a high risk of bulb breakage and contamination. Separate collection of bulbs would be prohibitively expensive.

While Option A-2 attempts to benefit from market mechanisms by allowing the responsible party - the manufacturer - more leeway in selecting the most cost effective way to operate the recycling system, the AB2020 system of CRV centers is a poor model. Stand-alone centers have no chance of competing with retail outlets for convenience.

I receive a lot of calls from the public about recycling. Lately I have been asking the many people who call to find out what to do with their fluorescents what would be the most convenient option for them. Retail take-back tops the list of responses.

Thanks for your attention.

Jeffrey Smedberg, Recycling Programs Coordinator  
County of Santa Cruz Public Works Department

## **Comment #2**

Task Force Members:

After reviewing the fluorescent lighting collection and recycling options that the Task Force is currently reviewing I would recommend Option C.

Thank you for your efforts.

Best regards,

Nancy Treffry

Recycling & Resource Recovery Services

County of Monterey

## **Comment #3**

To Whom it may concern:

I am writing to comment on the options being discussed by the AB1109 Task force.

Having reviewed the three options proposed for collection of compact fluorescent lamps from consumers, Option C seems the best to me in terms of public convenience, effectiveness and thoroughness of collection. It seems most obvious and direct that if it is essential to collect an item from the public, they be able to return it to the same place where they will purchase more of that item.

I do not believe the beverage collection model copied in options A and A-2 would work as well. Frankly, that model has not worked all that well for beverage containers in some parts of the state. Further, copying it create a "cumbersome to the public" new collection system where already busy people will have to save spent lamps and take them somewhere else. This is not a system that will result in high recovery rates.

I am basing my recommendation on almost 20 years of experience in implementing and operating recycling programs. The opinion I have expressed here is my personal opinion, and not that of my employer.

Thank you,

Dave Wade

Recycling Coordinator,

UC Santa Cruz

## **Comment #4**

Hello -- I'd like to chime in for option C. I believe consumers will be far more likely to use the retailer of new lights to properly dispose of the old. As a longtime promoter of waste reduction, pollution prevention, and resource conservation (19 years with Ecology Action of Santa Cruz), my position is based on a good deal of experience with the motivations of commercial and individual interests. Thanks

Victor R. Aguiar  
Information Technology Coordinator  
Ecology Action

**Comment #5**

Hello-

I'm writing first to thank your task force for your efforts to promote the use of energy-saving light bulbs and also to ensure that there is proper collection and recover of the spent bulbs. Thank you very much for addressing these needs. I'm also writing to suggest to your task force that you consider Option C as the best option. We can no longer place the burden of waste on the consumers and the general public. We must ensure extended product responsibility. By doing this, we will be encouraging zero-waste engineering during product design, because manufacturers will be encouraged to reduce the costs of recycling/recovery/and disposal.

Every decision that should be made regarding a waste-stream should be made before a product hits the market. The only way to do this is to put the burden on the producer, not the consumer.

Thanks very much for your hard work and consideration.

Josephine Fleming

Environmental Innovations

**Comment #6**

Our preferred option is Option C.

Since last year we have been working with local retailers to implement a take back program for household batteries and fluorescent tubes. Most retailers agreed to participate with the exception of several of the large national retailers. In March we passed an ordinance making it mandatory for all local retailers to take back batteries and tubes. This program has been very successful and all retailers are now participating. We have over 400 local retailers participating at this time resulting in a program that is very convenient for the public.

Bill Worrell  
SLO County IWMA

**Comment #7**

I have read all of the options for recycling systems proposed at <http://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/Lighting.cfm> and I very strongly prefer Option C. It's simple, it's straightforward, and -- most importantly -- it's something I would actually do.

We moved to California from Iowa during the mid-1990s. In Iowa, the CRV on bottles and cans is five cents, and you take the recyclables back to the same place you bought them. Every grocery store has a counter or other designated space. Even small wine shops and little corner stores take them back over the counter. They are clean and staffed at any time the store is open.

A typical grocery store transaction takes less than two minutes: you hand a cardboard flat of two dozen aluminum cans to the employee; the employee hands you \$1.20 and stacks the cans in a bin. When the bin is full (or at the end of the day), it's moved to a shed outside for the recyclers.

Then we moved to California. To get a refund on the CRV for the dozen bottles or cans that our family might use in a month, I am expected to figure out the strictly limited hours that the collection center keeps; stand in a long line of inconvenienced (and therefore grumpy) people in the blazing sun or pouring rain -- and just when I get to the front of the line, be told that the bin is full, so they aren't accepting the kinds of bottles I'm carrying. Or it's the employee's break time, so I need to wait ten minutes while he goes to smoke something. Or it's closing time now, despite all the people who have stood in line for half an hour.

Oh -- and if they take the bottles, then I don't get cash; I get a voucher and have to go inside another store, and stand in an entirely different line, to get it turned into cash.

For thirty cents.

As far as I can tell, the system was deliberately designed to discourage bottle returns. I have responded to the clear incentive structure by letting them keep my thirty cents. My bottles get dumped in the recycling bin -- or even the trash, if I can't find a recycling bin.

Please do not make the same mistakes with the light bulb collection program. Please, just let me take it back to the same store that I bought it from. I want to hand the dead light bulb to a cashier. The cashier can put it in a box. When the box is full, they can send it back to their distributor. Even a large store isn't going to see thousands of light bulbs returned in a day, and they're small, so it isn't likely to take up that much space in the store. It's simple, it's straightforward, and I will actually do this.

All of the other options look like ways of having unenforceable rules on the books, and fluorescent light bulbs hidden in the garbage because no one wants to bother jumping through all the hoops. Please -- let's have this system actually work for the consumer.

Sherrie McMahon  
Scotts Valley, CA

#### **Comment #8**

Dear task force: I'm writing to commend you for your efforts to promote the proper collection and recycling for fluorescent lights. I'm also writing to let you know that I think Option C is by far the best option. The consumer has enough burdens as it is and it's up to the manufacturer/retailer to extend product responsibility. Other industries do it (cell phone manufacturers) why can't the lighting industry? In addition, they should be responsible for educating consumers and making sure every one understands the importance of recycling fluorescent lamps.

Thanks very much for your hard work and consideration.

Ana Maria Rebelo

Public Education Program Coordinator

County of Santa Cruz

**Comment #9**

Hello:

I am writing in support of option C, the take back program for fluorescent bulbs.

Thank you,

Jenny Shelton

Co-Chair, USGBC-NCC, Monterey Bay Branch

Certified Green Building Professional

**Comment #10**

Option A

We oppose this option because a voluntary takeback program has never worked. Sellers have the option of taking back the lamps now, and very few do so. In states where sellers are given the option, the large retailers inevitably fail to participate. A voluntary program just adds unnecessary delays to resolving an urgent problem.

Convenience goals are important, but they are insufficient for measuring the success of a program. We could open a vast network of recycling centers and declare victory, without ever recycling a single lamp. We need real measurements of effectiveness.

Tim Goncharoff

Commercial Waste Reduction Coordinator

County of Santa Cruz, CA

**Comment #11**

Option B

We oppose this option because it would be enormously expensive. A network of thousands of freestanding recycling centers, open sufficient hours to be convenient, with sufficient trained staff, along with payments for every lamp handled would make this option the least cost effective of all those presented. If the cost were built into the price of the lamps it would make them so expensive as to discourage their use. If it were built into utility rates as suggested, the rate payers would revolt. This is not a practical option.

In addition, the program would be voluntary. Sellers have the option of taking back the lamps now, and very few do so. In states where sellers are given the option, the large retailers inevitably fail to participate. A voluntary program just adds unnecessary delays to resolving an urgent problem.

Tim Goncharoff  
Commercial Waste Reduction Coordinator  
County of Santa Cruz, CA

#### **Comment #12**

##### **Option C**

We support this option because it is the only one that meets the requirements of the legislation. It is convenient, effective and cost-efficient. It is also the only option presented that meets the requirements of the EPR checklist. It is the only option that provides real measurable targets. It is the only option that will result in real, immediate reduction in mercury pollution. It is the only option that provides incentives to sellers and manufacturers to develop improved products.

Tim Goncharoff  
Commercial Waste Reduction Coordinator  
County of Santa Cruz, CA

#### **Comment #13**

##### **Option E**

We oppose this option because it does not address the problem. There is no need for the government to establish a third party organization (TPO). Manufacturers and sellers do this all the time without government direction or support. The plan says very little about the actual goal of the legislation, which is the recycling of fluorescent lights, other than to recommend a voluntary program for an unspecified length of time. A voluntary takeback program has never worked. Sellers have the option of taking back the lamps now, and very few do so. In states where sellers are given the option, the large retailers inevitably fail to participate. A voluntary program just adds unnecessary delays to resolving an urgent problem.

Tim Goncharoff  
Commercial Waste Reduction Coordinator  
County of Santa Cruz, CA

#### **Comment #14**

After a quick review of the options listed on the web site - please consider way to maximize convenience for the consumer - as this will have a huge impact on recycling rates - We are a rural community with a HHW facility that is only open Friday and Saturday and most folks do not go there - take backs at the point of purchase are very important for participation -

Another incentive to recycle can also be a CRV type deposit for the consumer that is only provided when lights are returned unbroken - unclaimed funds could be used to help fund point of purchase take back programs

Thanks

Julie Neander  
City of Arcata Environmental Services Dept

### **Comment #15**

I must oppose Option M for a number of reasons.

1. The charge of the Task Force is to offer convenient lamp collection options for California consumers. Option M provides no accountability or guarantee that any level of convenience will be achieved. The legislature is merely asked to provide a timeline with no mandate or enforcement for results. Manufacturers, retailers and the TPO are fully funded to "coordinate," "monitor" and "oversee" voluntary activities with no performance standards.
2. The tasks assigned by Option M to local government (LEA is also a local government function) are far-reaching and onerous with no revenue source identified. The tasks include soliciting retailers to participate, training collection center staff, tracking lamp recycling data, and developing and distributing outreach materials for schools, and providing the only mandated collection of lamps through their HHW programs. Local government is thus an unacknowledged funding source for Option M.
3. For costs not relegated to local government, Option M proposes a completely inappropriate funding source, relying on utility ratepayers. Utilities must not be held hostage to a particular consumer product or product technology over which they exert no control. Utilities' involvement in lamp technology must be limited to their decision – on behalf of ratepayers - that subsidy of lamp purchases is fiscally prudent in relation to the marginal cost of investment in energy production compared to investment in energy efficiency.

Jeffrey Smedberg, Recycling Programs Coordinator  
County of Santa Cruz Public Works Department

### **Comment #16**

Option M doesn't begin to meet the requirements of the legislation. It is vague, with no clearly outlined recycling program, only an intention to develop one at some unspecified date. It relies on voluntary participation, which has already been shown to be ineffective. And it places the entire cost on the utilities, which they have already said they will not accept, and which is politically impractical.

Thanks,

Tim  
Commercial Waste Reduction Coordinator  
County of Santa Cruz, CA

#### **Comment #17**

##### **Option M**

The option posed by the Manufacturers (Option M) attempts to place the funding responsibility for transportation and recycling directly on the utility ratepayers. I strongly disagree with this option on the grounds that the responsibility for those two functions belongs with those corporate entities who receive the direct financial benefit of the product; namely, the retailers and the manufacturers. Holding the utilities of this state hostage to a particular consumer product or technology, over which they exert no control, sets a dangerous precedent. As this option is now written, the utilities would subsidize the cost of the manufacturer's product, then use further ratepayer funds to handle the outreach, education, transportation, and recycling costs of the product. I fail to see how this is a fair & equitable division of responsibility among the parties involved in this issue.

David Asti  
Southern California Edison Co.

#### **Comment #18**

##### **Option E**

Option E contains excellent language in the responsibilities of the Legislature, namely to establish time line for implementation and set recycling and convenience goals.

Where Option E fails is by allowing an unspecified period of time (which in practice will not be short) during which bulbs will be discarded because convenience targets have not been reached.

While Option E properly puts a funding responsibility on lamp manufacturers, it inappropriately levies a portion of the responsibility on utility ratepayers. If ratepayers will actually benefit from an increase in use of fluorescent lamps, that can be determined through the normal PUC ratemaking process. A program to subsidize lamp purchase price would responsibly be made for an environmentally sound product, not one from which the manufacturer ducks responsibility.

To determine if a lamp product is truly beneficial for society, its full lifecycle cost must be internalized into the price. The manufacturer must build into the price all the costs of collection and environmentally sound management of discards. This true cost can then be weighed along with its benefits.

Jeffrey Smedberg, Recycling Programs Coordinator  
County of Santa Cruz



### **Comment #19**

#### **Option B**

There are some features we like. For example it includes shared responsibility- clearly a win-win for all parties. Also it allows for the gathering of data, and would impose some accountability for tracking and measuring successes. We also like the optional, rather than required TPO.

#### **Oppose**

We think this is the worst of all the options. It will be the most costly and bureaucratic. The requirement for the TPO is overkill for magnitude of problem. This will be good for the TPO, but bad for others, and could double the cost (or more) of recycling. The TPO would overlap with HW laws, CERCLA laws, DTSC regulations, policing/enforcement, and contract law, a very untenable and implausible situation. It would require Manufacturer involvement in the collection system, which we have stated is not necessary, and it would require Retailers to pay into a system, highly unlikely. As with our comments on Option A, California cannot impose or enforce requirements on out of state recyclers- at least half of all lamps that get recycled leave this state for recycling. Combined, these factors could disrupt the commerce of lamp recycling.

Paul Abernathy

Association of Lighting and Mercury Recyclers

### **Comment #20**

#### **Option A**

There are some features we like. For example it includes shared responsibility- clearly a win-win for all parties. Also it allows for the gathering of data, and would impose some accountability for tracking and measuring successes. We also like the optional, rather than required TPO.

#### **More opposition than support**

Manufacturers do not need to be involved in a collection system- regardless of what responsibilities or financial role they have, handling is not needed. There is no way to establish or enforce convenience goals until participation and recycling rates are determined, which may take some time after the public has access. This option appears to impose restrictions on retail activities and requires policing. It also creates lots of new bureaucracy to deal with the small minority of lamps from the sector that is most difficult to control. California cannot impose or enforce requirements on out of state recyclers- at least half of all lamps that get recycled leave this state for recycling. Combined, these factors could disrupt the commerce of lamp recycling.

Paul Abernathy

Association of Lighting and Mercury Recyclers

### **Comment #21**

#### **Option C**

There are some features we like. We like the optional, rather than required TPO. We like Retail take back, this is the best way to serve consumers. We also like that it should provide more funding for local government activities. However the source of this funding is not clear.

#### **Oppose in present form**

It would require Manufacturer involvement in the collection system, which we have stated is not necessary. We think this option has an altruistic view of toxic materials reduction- already addressed in 1109. and not part of the collection and recycling aspect. It allows for the inefficient use of funding for myriad of county, regional (JPA) and local government activities, which could be inconsistent and disparate. There are conflicting statements about financing: on the one hand it requires manufacturers and retailers to fund the entire system, but at same time local governments would still seek grants from utilities. This appears to be a disconnect, unless the funding is for completely different activities. This is not explained. No information on scope of what funding local government would require and how it would be connected to the actual collection and recycling

Paul Abernathy

Association of Lighting and Mercury Recyclers

### **Comment #22**

#### **Option E**

#### **Oppose**

Oppose for generally same reasons as we oppose Option B. Very bureaucratic and broad scope relative to the magnitude of the problem, and in view of the much simpler low cost solutions being proposed. The TPO could disrupt commerce, overlap with HW laws, CERCLA laws, regulations, policing, and contract law. No information on scope or costs or direct relationship to lamps collected for recycling

Paul Abernathy

Association of Lighting and Mercury Recyclers

### **Comment #23**

#### **Option M**

Qualified, need more explanation

Maximum use of existing infrastructure and systems, at possibly lowest cost to increase consumer compliance. Closest to incorporating the features of "option R" and the financial flow analysis provided by ALMR. Preserves and enhances existing infrastructure for collection and recycling. Should not impact business relationships or contract law. Allows collection location to become collector and "generator" for compliance and contract purposes with no impact on RCRA responsibility or CERCLA liability.

The TPO should be optional, not mandatory. For example, the utility may wish to reimburse retailers directly for their participation; simpler than adding the overhead of a TPO. In general, the flow of money in this option needs clarity. Do manufacturers actually put up any money or just get it from utility and pass it through to the things they are controlling? It is not clear whether utility funds go direct to retailer or through the TPO. A funding estimate is needed.

Other General comments:

Keep things in perspective. The scope is for 15% of the lamps- it will take some time to get recycling rate from almost 0% to some arbitrary convenience goal. This ramp up will occur naturally by letting the existing commerce of recycling incorporate any new collection locations (retail or HHW). For collection and recycling, the lowest cost and easiest to understand flow of money occurs when: the Recycler issues proof of recycling to Customer/collector, contract and fees are negotiated between parties, the Collector submits voucher to utility or other funding source for reimbursement. Source pays voucher. This can be done without a TPO. The reimbursement becomes incentive for retailers and HHWs to drive the market and cover costs. One use for a TPO would be to produce education and outreach materials for uniform distribution to collectors and local agencies, steering clear of engaging in the commerce of recycling. Not clear how much more infrastructure should be funded.

Paul Abernathy  
Association of Lighting and Mercury Recyclers

#### **Comment #24**

Option M  
Support

I have now had a chance to discuss our questions and concerns about option M with Jennifer Dolin and Ric Erdheim and I feel that this option will provide the best and most cost effective solution to getting consumer lamps recycled. It provides incentives to retailers and HHWs to participate, it uses manufacturers' money to pay overhead, provide outreach, education, and collateral, and it uses public goods money to pay for the direct costs of transportation and recycling. It preserves the commerce of recycling, does not interfere with RCRA, CERCLA or contract law. It also creates uniformity in the messages, and pays for any of these materials if used by local governments. If local governments want to do something additional, or develop another approach, they would have to find other sources of money. We are available to do more of a financial analysis later, but our initial estimate is that option M could be done for about \$1/ lamp (about half from manufacturers and half from utilities) Retailers and HHWs can make money, break even, or spend money depending on how efficient their programs are. More efficiency = lower costs and more incentive. We like this approach.

Paul Abernathy  
Association of Lighting and Mercury Recyclers

## **Comment #25**

### **Option A**

#### **Support**

Manufacturers should have primary responsibility for implementing a collection infrastructure. Manufacturers profit from the sale of lamps and hold the business expertise necessary for reverse distribution. In addition, manufacturers hold the skills to implement efficient and cost effective business models for collection.

#### **Support with Amendments**

Manufacturers are not allowed to add any visible charge to a consumer at the point of purchase or point of recycling. Any cost for the implementation of collection must be internalized in to the cost of the product. The sale of lamps is prohibited if the manufacturer of the lamps is not participating in a collection scheme that satisfies convenience and recycling goals. Local governments choosing to collect materials would be entitled to cost reimbursements from the manufacturers.

Rob D'Arcy  
County of Santa Clara

## **Comment #26**

### **Option B**

#### **Support**

Manufacturers should have primary responsibility for implementing a collection infrastructure. Manufacturers profit from the sale of lamps and hold the business expertise necessary for reverse distribution. In addition, manufacturers hold the skills to implement efficient and cost effective business models for collection.

#### **Support with Amendments**

Manufacturers are not allowed to add any visible charge to a consumer at the point of purchase or point of recycling. Any cost for the implementation of collection must be internalized in to the cost of the product. Manufacturers should be given the flexibility to participate in a TPO with other manufacturers or create their own collection program as long as convenience and recycling goals are met and are commensurate with their market share. Local governments choosing to collect materials would be entitled to cost reimbursements from the manufacturers.

Rob D'Arcy  
County of Santa Clara

## **Comment #27**

### **Option C**

#### **Support**

Manufacturers should have primary responsibility for implementing a collection infrastructure. Manufacturers and retailers profit from the sale of lamps and hold the business expertise necessary for reverse distribution. In addition, manufacturers and retailers hold the skills to implement efficient and cost effective business models for collection.

#### **Support with Amendments**

Manufacturers or retailers are not allowed to add any visible charge to a consumer at the point of purchase or point of recycling. Any cost for the implementation of collection must be internalized in to the cost of the product. Manufacturers should be given the flexibility to participate in a TPO with other manufacturers or create their own collection program as long as convenience and recycling goals are met and are commensurate with their market share. Retailers would be exempt from funding the collection if they have an adequately advertised collection effort in their store. Local governments choosing to collect materials would be entitled to cost reimbursements from the manufacturers in addition to grants.

Rob D'Arcy

County of Santa Clara

## **Comment #28**

### **Option E**

#### **Support**

Manufacturers should have primary responsibility for implementing a collection infrastructure. Manufacturers and retailers profit from the sale of lamps and hold the business expertise necessary for reverse distribution. In addition, manufacturers and retailers hold the skills to implement efficient and cost effective business models for collection.

#### **Support with Amendments**

Manufacturers or retailers are not allowed to add any visible charge to a consumer at the point of purchase or point of recycling. Any cost for implementation and collection must be internalized in to the cost of the product if not fully covered by the Public Goods Charge. Manufacturers should be given the flexibility to participate in a TPO with other manufacturers or create their own collection program as long as convenience and recycling goals are met and are commensurate with their market share.

Under "Funding options for E," stakeholders must be defined. Local and state government would not be considered stakeholders for the purpose of collecting "fees." Local governments choosing to collect materials would be entitled to cost reimbursements from the manufacturers.

Rob D'Arcy

County of Santa Clara

### **Comment #29**

#### **Option M**

This option places no responsibility on the manufacturers to recycle their products or meet any convenience or recycling goals. It is an option that achieves the status quo - no shift of collection responsibility from local governments to industry. Coordinating with a TPO to develop recycling options is too weak - they must IMPLEMENT with the TPO, recycling options. The manufacturers completely dodge all financial responsibility by relying on utility funding. Manufacturers must be financially responsible and if utility funding becomes available then that will help. Local governments choosing to collect materials would be entitled to cost reimbursements from the manufacturers. Recycling and convenience goals must be included.

Rob D'Arcy  
County of Santa Clara

### **Comment #30**

The following comments are a staff assessment of the options and do not represent an official position of the actual Board.

There are a few concerns that are related to all of the options as they are currently presented:

- \* It is important to have legislative authority granted to whichever state agency that is given the responsibility of enforcing legislated provisions such as performance goals and timelines. Without statutory authority, it will be difficult to enforce any such provisions in a timely and effective manner.
- \* Given the experience with SB20, creating a "certification" process for recyclers would be a lengthy process that would require a great deal of manpower and time. Regulations regarding the proper handling of universal waste already exist; is an entire new certification structure truly necessary?
- \* There is inconsistency as to what entity would consolidate and analyze the lamp sales and collection data. Even within the same option, sometimes data is given to the state, other times to a TPO. We would prefer that the consolidation and analysis occur at the level of a TPO, and then given to the state for review. Having the state go out to gather the data from all the various stakeholders is inefficient if a TPO is already in contact with and dealing with these same people.

Option-specific things to follow next week...

-Emily Wang  
CIWMB